

REMARKS

The applicants respectfully request the rejection set forth in the Office Action mailed August 18, 2008 be withdrawn. Claims 1-20 are pending in this application.

The applicants respectfully note an error in the current Office Action. The first paragraph states that "the appeal has been withdrawn pursuant to 37 CFR 1.114." This is an incorrect statement. Instead, the applicants won on Appeal (see Decision on Appeal, mailed April 11, 2008), and received a Notice of Allowance on June 17, 2008. During the prosecution, the applicants submitted prior art that was not considered by the Examiner, and after receiving the Notice of Allowance, filed a Request for Continued Examination in order to provide the unconsidered prior art. The applicants are now confused to receive another non-final rejection, citing references available to the Examiner when the Notice of Allowance was mailed. Nevertheless, the applicants respectfully submit the following remarks to clarify differences between the previously allowed claims and the newly cited references.

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Crouse et al. (U.S. Patent No. 5,764,972) in view of Sitka (U.S. Patent No. 6,330,572). The applicants respectfully traverse the rejection.

Claim 1 is directed to a method for exporting removable media in a storage device, or library, according to a schedule, comprising, *inter alia*, the following:

at a first time, receiving export identification data comprising first data identifying one or more removable media from the storage device to be exported and second data identifying a second time at which the one or more removable media is scheduled to be exported; and

at the second time, using the stored export identification data to select one or more removable media to be exported to export the selected media from the storage device library. (Emphasis added).

Neither Crouse nor Sitka describes these features. As discussed at length in previous Responses, Appeal Brief, and Reply, Crouse is directed to an archiving file structure with a flexible control structure used for storing control information about remote files as part of an addressable control file. Crouse does not disclose exporting media, instead focusing on automatically storing and accessing remote files stored across data networks. Indeed, a text search of Crouse finds no occurrence of the word "export," or synonyms.

The Office Action seems to agree, stating that "Crouse did not specifically disclose the file input/output commands including a scheduling of an exporting processing." The Office Action then looks to Sitka to provide this deficiency. However, Sitka also does not describe the features recited by the claim. Sitka is directed to hierarchical data storage management, and not to data storage libraries or exporting storage media from data storage libraries. Sitka does not provide any disclosure regarding scheduling removable media to be exported from a library, and certainly does not disclose using stored export identification data, including second data identifying a second time at which the one or more removable media is scheduled to be exported, as recited. Overall, there is no disclosure or suggestion in Crouse or Sitka to provide data related to scheduling exports, let alone to provide data related to scheduling exports at a time later than when the exports are identified. Thus, claim 1 is patentable over the cited references.

Dependent claims 2-11 include all the features of independent claim 1, and are thus patentable for similar reasons.

Claims 12-17 include features similar to those described above with respect to claims 1-11, including elements directed to data identifying a later time at which removable media is scheduled to be exported, and are thus similarly patentable.

Claims 18-20 are directed to computer readable media and include features similar to those described above with respect to claims 1-11 and are thus similarly patentable.

In sum, for at least these reasons, claims 1-20 are patentable because the combination of Crouse and Sitka does not describe a system or method of scheduling the time of a media export before the media is exported. There is simply no disclosure in either reference of scheduling a media export when identifying the media to be exported. Thus, any combination of the references is also lacking these (and other) features.

Conclusion

Overall, none of the applied references, singularly or in any motivated combination, disclose or suggest the features recited in the independent claims, and thus such claims are allowable. Since these independent claims are allowable, based upon the above reasons, the claims which depend from them are likewise allowable. If the undersigned representative has overlooked a relevant teaching in any of the references, the Examiner is requested to point out specifically where such teaching may be found.

In lieu of the foregoing, the claims pending and the application patentably define over the art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned representative at (206) 359-3090.

Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 50-0665, under Order No. 606928006US from which the undersigned is authorized to draw.

Dated: February 18, 2009

Respectfully submitted,

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